

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

JOHN THOMPSON,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

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1:18-CV-680-RP

**ORDER**

Before the Court is the report and recommendation of United States Magistrate Judge Andrew Austin concerning Defendant Microsoft Corporation's ("Microsoft") sealed motion to for summary judgment, (Dkt. 21). (R. & R., Dkt. 40). In his report and recommendation, Judge Austin recommends that the Court grant the motion.<sup>1</sup> (*Id.*). Plaintiff John Thompson ("Thompson") timely filed objections to the report and recommendation on January 17, 2020. (Objs., Dkt. 43). Microsoft responded to Thompson's objections on January 31, 2020.

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Thompson timely objected to each portion of the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so, the Court overrules Thompson's objections and adopts the report and recommendation as its own order.

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<sup>1</sup> After being advised by Thompson that the report and recommendation need not be sealed, (Dkt. 44), Judge Austin unsealed his report and recommendation on February 19, 2020, (Dkt. 47).

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Andrew Austin, (Dkt. 40), is **ADOPTED**. Accordingly, the Court **GRANTS** Microsoft's motion for summary judgment, (Dkt. 21), and **DENIES** Thompson's objections to the report and recommendation, (Dkt. 43).

**IT IS ORDERED** that Thompson's claims are **DISMISSED WITH PREJUDICE**.

**SIGNED** on February 20, 2020.



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ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE